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PTO/SB/21 (09-06)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

36 40

Application Number

09/637,388

Filing Date

August 11, 2000

First Named Inventor

Riley, James B.

Art Unit

2178

Examiner Name

Gregory Vaughn

Attorney Docket Number

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional Application

Power of Attorney, Revocation



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Remarks



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):Statement Under 37 CFR 3.73 (b)
Credit Card Transmittal**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name

Learn.com, Inc.

Signature

Printed name

James B. Riley, CEO

Date

January 16, 2007

Reg. No.

N/A

Express No: EB10820530305

CERTIFICATE OF TRANSMISSION/MAILING

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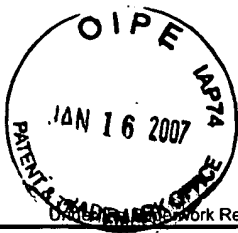
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Date

January 16, 2007

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STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Learn.com, Inc.

Application No./Patent No.: 09/637,388 Filed/Issue Date: August 11, 2000

Entitled: Electronic Note Taking Systems and Methods

Learn.com, Inc., a Delaware corporation
(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

in the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014331, Frame 0289, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

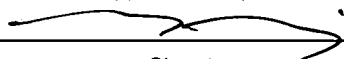
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☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

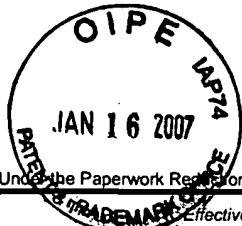
[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

 _____ Signature	<u>January 16, 2007</u> _____ Date
<u>James B. Riley</u> _____ Printed or Typed Name	<u>(954) 233-4000</u> _____ Telephone Number
<u>CEO, Learn.com, Inc.</u> _____ Title	

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2006☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 500**Complete if Known**

Application Number	09/637,388
Filing Date	August 11, 2000
First Named Inventor	Riley, James B.
Examiner Name	Gregory Vaughn
Art Unit	2178
Attorney Docket No.	

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, **except for the filing fee**☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Multiple Dependent Claims
- 20 or HP =	x	=		Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
- 100 =	/ 50 =	(round up to a whole number) x	=	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): 37 CFR 41.20 (b)(2) - Appeal Brief 500

SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 01A	Telephone (954) 233-4000
Name (Print/Type)	James B. Riley, CEO of Learn.com, Inc.		Date January 16, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Before the Board of Patent Appeals and Interferences

In re Application of: Riley, James B.
Application Number: 09/637,388
Filing Date: August 11, 2000
Title: Electronic Note Taking Systems and Methods
Group: 2178
Examiner: Gregory Vaughn

BRIEF ON BEHALF OF APPELLANT

Appellant hereby submits its brief in furtherance of the Notice of Appeal that was filed in this case on November 13, 2006 and the Notice of Panel Decision from Pre-Appeal Brief Review dated December 15, 2006. The one-month deadline to file the Appeal Brief is January 15, 2007, which is a Federal Holiday in celebration of the birthday of Martin Luther King, Jr. Therefore, this Brief is being timely submitted on the next business day, January 16, 2007. The fees required under 37 C.F.R. § 41.20(b)(2) are enclosed herewith as set forth in the accompanying Fee Transmittal.

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A. Claims 70, 71, 74, 75, 78 and 79 were errantly rejected by the Examiner under 35 U.S.C. § 102(e) because the cited reference, namely Gupta, does not teach all of the limitations of Appellant's independent claims 70, 74 and 78.	
B. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 103(a) because the Examiner failed to make a <i>prima facie</i> case of obviousness.	
1. The Examiner improperly interpreted Bohlen.	
2. The Examiner has provided improper motivation to combine Gupta and Bohlen.	
3. The combination of Gupta and Bohlen does not teach or suggest all of the limitations of claims 73, 77 and 81.	
C. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 112, first paragraph, because the claim language in dispute is narrower than that contained in the original claim and is supported by the specification as originally filed.	
D. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 112, second paragraph,	

because the Examiner conceded that the normal definitions accorded to the terms at issue are acceptable for the plain meaning of the terms.

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I. Real Party in Interest

The undersigned, James B. Riley, CEO for Appellant, certifies the following:

The name of the real party in interest in this appeal is Learn.com, Inc., a Delaware corporation.

II. Related Appeals and Interferences

No other appeals, interferences or judicial proceedings are currently pending that are related to, will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

- a. Claims 70, 71, 73-75, 77-79 and 81 remaining pending in the present application.
- b. Claims 1-69, 72, 76 and 80 have been withdrawn.
- c. No claims have been allowed.
- d. Claims 70, 71, 74, 75, 78 and 79 stand rejected under 35 U.S.C. § 102(e).
- e. Claims 73, 77 and 81 stand rejected under 35 U.S.C. § 103(a).
- f. Claims 73, 77 and 81 stand rejected under 35 U.S.C. § 112, first and second paragraphs.

IV. Status of Amendments

No amendments have been filed subsequent to the final rejection.

V. Summary of Claimed Subject Matter

Generally, the present invention is directed to a method for facilitating electronic note-taking during an online learning course. Appellant's note-taking method and program provides a mechanism that allows a user to easily interact and take notes from any form of information contained in the online course, but also to save the notes for later review, even after the course is completed.

The claims on appeal are set forth in the Claims Appendix at pages 17-19. The claims on appeal do not contain any means plus function and/or step plus function language. Independent claim 70 is a process claim. Independent claims 74 and 78 are machine claims.

The electronic note-taking method of the present invention requires simultaneous access to an online learning course and to the annotation field of the present invention, entry of notes into the annotation field by a user, storage of the notes so that they are associated with the course, access to both the course and notes for the duration of the course, and access to the notes after completion of the course. Although online courses have been available for many years, students have been limited in their ability to take notes. Appellant provides a method that allows students and other users to link notes to specific sections of a course so that when studying the notes, course information may also be further reviewed, if needed. Appellant's method additionally permits access to the notes after completion of the course. Dependent claim 71 permits a student to copy and paste and/or drag and drop a portion of the online learning course to the note pad to save it. Dependent claim 73 prohibits access to the course after its completion. Machine claims 74, 75 and 77 are directed to a computer readable storage medium having stored

therein a program that performs the steps of process claims 70, 71 and 73. Machine claims 78, 79 and 81 are directed to a server that hosts an interactive learning system having stored thereon a computer readable storage medium that parallels claims 74, 75 and 77.

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 70, 71, 74, 75, 78 and 79 are unpatentable under 35 U.S.C. § 102(e) over Gupta et al. (U.S. Pat. Pub. No. 2003/0196164) (hereinafter referred to as “Gupta”).
2. Whether claims 73, 77 and 81 are upatentable under 35 U.S.C. § 103(a) over Gupta in view of Bohlen et al., “The Effect of Learning Style and Method of Instruction on the Achievement, Efficiency and Satisfaction of End-Users Learning Computer Software,” published on the Internet by ACM 1993 (hereinafter referred to as “Bohlen”).
3. Whether claims 73, 77 and 81 are unpatentable under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement.
4. Whether claims 73, 77 and 81 are unpatentable under 35 U.S.C. § 112, second paragraph, for being indefinite.

VII. Argument

In the Final Office Action dated August 10, 2006 (hereinafter the “Final Office Action”), the Examiner maintained his rejections of the claims of the above-captioned application. For the reasons set forth below, Appellant requests that the Board reverse the Examiner’s decision because the Examiner improperly rejected the claims in the above-captioned application.

- A. Claims 70, 71, 74, 75, 78 and 79 were errantly rejected by the Examiner under 35 U.S.C. § 102(e) because the cited reference, namely Gupta, does not teach all of the limitations of Appellant’s independent claims 70, 74 and 78.

In Final Office Action, Examiner states that Gupta, at page 7, paragraph 90, permits the annotation creator to limit who may view the annotation set and therefore meets the requirement of Appellant’s independent claims 70, 74 and 78, that limit “subsequent access to the entered notes to the user only.” However, the actual citation in Gupta states that “the creator of the [annotation] set [can] identify which *users* are able to read and/or write to the annotation set” (emphasis added). This does not mean that the creator of the annotation can prevent non-users, such as the system provider, from accessing the notes. As described at page 13, lines 12-22 of Appellant’s original application, one embodiment of the present invention allows the user “to set whether their notes may be accessed by *other parties*” (emphasis added), not just *other users* as taught by Gupta. Previously, in the same paragraph of Appellant’s specification, reference is made to the course author, the course administrator, and the system provider, to illustrate a few of the relevant “other parties.”

In addition, in one embodiment to the present invention, the user may store the notes on his/her computer, rather than on a server. See page 8, line 29 through page 9,

line 3. One of ordinary skill in the art would recognize that only the user would have access to notes stored in such a manner on an individual's computer. Unlike this embodiment of the present invention, all embodiments of Gupta's annotation set are maintained on a server, not on the client's computer.¹ As a result, Gupta neither teaches

¹ See Gupta, para 2 "networked client/server systems"; para 5 "provided over a network to a client computer"; para 8 "annotations added by a user to one particular version of the multimedia content (e.g. a low-resolution version) would be associated with that version and would not be available to users being presented with other versions (e.g., a high-resolution version.)"; para 11 "[t]he system also has an annotation server that maintains annotations corresponding to the multimedia content"; para 29 "[a]nnotation server 10 controls the storage of annotations and their provisions to client computers 15"; para 31 "[w]hen a user of a client computer 15 desires to add or retrieve annotations, the client computer 15 contacts the annotation server 10 to perform the desired addition/retrieval"; para 42 "Client/Server Relationship"; para 43 "...commands are formulated at client computer 15 and forwarded to annotation server 10 via HTTP requests"; para 44 "[a] user interface (MMA) module 152 provides the user interface (UI) for a user to add or select different annotations, and be presented with the annotations"; para 46 "these two modules provide the web server functionality of annotation server 10"; para 47 "[a]nnotation server 10 further includes an annotation back end (ABE) module 132, which contains functionality for accessing annotation stores 17 and 18,"; para 47 "[a]nnotation content authored at client 15, using user interface 152, is received by ABE 132 and maintained in annotation content store 17"; para 47 "[a]lternatively, all of the annotation data (content and meta information) can be stored together in a single store, or content may be stored by another distinct storage system on the network 16 of FIG. 1,...."; para 48 "...each annotation created by annotation server 10 is maintained as a single copy corresponding to all of these different versions"; para 59 "... for an annotation entry 180 that is maintained by annotation server 10 in annotation meta data store 18 of FIG. 3"; para 59 "[a]nnotation entry 180 is maintained by annotation server 10 of FIG. 3 in annotation meta data store 18"; para 59 "[c]ontent field 192, as discussed in more detail below, includes a pointer to (or other identifier of) the annotation content, which in turn is stored in annotation content store 17"; para 82 "[s]election of a connection button 246 causes ABE 151 of FIG. 3 to establish a connection with the annotation server identified by identifier 244"; para 83 "[s]election of a show annotations button 252 causes interface module 152 to provide a 'view annotations' interface, from which a user can select a particular annotations for presentation"; para 89 "[s]election of play button 274 causes interface module 152 of FIG. 3 to forward a segment specification to web browser 153 of client 15"; para 89 "... the browser communicates with media server 11 and requests the identified media segment using conventional HTTP requests"; para 89 "...media server 11 streams the media segment to client 15..."; para 91 "[w]hen an email address is included, the newly created annotation is electronically mailed to the recipient indicated in identifier 275 in addition to being added to the annotation

nor inherently enables a user to limit “subsequent access to the entered notes to the *user* only”. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). As Gupta does not teach all of the limitations of Appellant’s independent claims, Gupta does not anticipate Appellant’s independent claims and the present rejection was improper and should be withdrawn.

Claims 71, 75 and 79 are dependent upon independent claims 70, 74 and 78, which claims have been shown as allowable above. Therefore, at least because claims 71, 75 and 79 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Appellant respectfully submits that the recitations of claims 71, 75 and 79 are not disclosed or suggested by Gupta. Therefore, Appellant respectfully submits that claims 71, 75 and 79 are in proper condition for allowance.

database”; para 95 “[u]pon receipt of the add annotation request, annotation server 10 communicates the target stream information to media server 11 of FIG. 1”; para 96 “[a]s part of the add annotation request client computer 15 of FIG. 1 determines the appropriate time range for the annotation and provides the time range to annotation server 10”; para 101 “[t]he steps shown in FIG. 9 are implemented by annotation server 10 of FIG. 3, ...”; para 102 “[a]nnotation server can receive this new annotation information via ...”; para 104 “[a]nnotation server communicates with media server 11 of FIG. 1 to determine ...”; para 111 “[t]he annotations provided by annotation server 10 of FIG. 1 and the media content provided by media server 11 are presented to the user of client computer 15 concurrently via UI window 450”; para 111 “[t]he annotation server 10 communicates with the client computer 15 to determine...”

- B. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 103(a) because the Examiner failed to make a *prima facie* case of obviousness.

To provide a *prima facie* case of obviousness, three basic criteria must be met. See Section 2143 of the Manual of Patent Examination Procedure (hereinafter, the “MPEP”). First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.*

In the Final Office Action, the Examiner concedes that Gupta does not disclose Appellant’s limitation contained in dependent claims 73, 77 and 81 of prohibiting access to the documents contained in the interactive learning course after completion of the interactive learning course. This limitation is analogous to the situation in which a student no longer attends a course but still has his/her notes. In other words, using the present invention as claimed in claims 73, 77 and 81, a student may take notes during a course and still have access to the notes after completion of a course, even though the student no longer has access to the course itself.

1. The Examiner improperly interpreted Bohlen

The Examiner utilizes Bohlen to allegedly provide the limitation missing in Gupta. In paragraph 20 of the Final Office Action, the Examiner states:

Bohlen discloses a study of the effectiveness of computer-based training (abstract, page 273), where a lecture course was compared to a computer based training method, wherein results were determined by test scores (page 277, second, third and last paragraphs). Bohlen discloses subject matter testing, and it is well known in the educational arts that testing is traditionally undertaken after completion of the learning course in a

“closed book” environment, wherein access to the learning material is prohibited.

Appellant respectfully disagrees. Bohlen provides a study of software training styles for use by MIS departments (see Bohlen, p. 273, Introduction). In other words, rather than testing a specific subject matter, such as science, history or literature, Bohlen teaches and tests student ability in the use of WordPerfect 5.1. Bohlen divides a group of students into two separate groups. The first group of students is lectured for seven days in a large auditorium (page 277, 2nd para). The second group is trained via a computer based training package (page 277, 3rd para). After completion of the course by both groups, “[a]ll students were required to take a thirty-five question multiple choice test to determine their knowledge of the required actions to accomplish certain tasks in WordPerfect 5.1” (page 277, last para).

From this disclosure, the Examiner concludes that Bohlen teaches subject matter testing. However, Bohlen states that *three* measures of performance were used in the analysis. Bohlen, p. 277. In addition to the 35 question multiple choice test, Bohlen also tests the students’ ability to use WordPerfect 5.1 as well as the number of key strokes utilized by the student during this use. Bohlen, p. 278. Bohlen also analyzes the times required to complete and scores of five out-of-class assignments. *Id.* In other words, if Bohlen does teach subject matter testing, which Appellant does not concede, Bohlen requires more than one 35 questions multiple choice test to perform the testing.

A quick search of the internet for “subject matter testing” provides a slightly different picture than that contained in Bohlen. The Scholastic Aptitude Test (SAT) provides multiple-choice questions for subject testing, but provides a time limit in which to complete the questions (see App. X, pp. 21-23). Subject tests are defined as “specific

subjects like English, history, mathematics, science and language. *Id.* The tests are independent of any particular textbook or method of instruction.” *Id.* at p. 21. The Massachusetts Tests for Educator Licensure (MTEL) includes a multiple-choice section and two open-response questions to assess the breadth and depth of a candidate’s knowledge of a subject area (see App. X, pp. 24-28). Subject matters include language, math, chemistry and physics. *Id.* at p. 27. Therefore, Appellant respectfully disagrees with the Examiner’s conclusion that Bohlen teaches subject matter testing by providing 35 multiple-choice questions after concluding a seven-class session or computer-based training on use of WordPerfect 5.1. Bohlen would actually be more analogous to teaching a class on Algebra I or even basic addition under the subject matter of mathematics. In other words, Bohlen teaches testing on a highly specific, yet small portion of the subject matter computer usage. Bohlen does not teach subject matter testing and was therefore improperly applied.

From the Examiner’s erroneous assumption that Bohlen teaches subject matter testing, the Examiner jumps to the allegedly well-known notion that testing is traditionally undertaken after completion of the learning course in a “closed-book” environment, which prohibits access to the learning material. Bohlen does not state this anywhere. In addition, not all testing is “closed-book.” The former patent bar examination provides one example of an “open-book” test having a limited time in which to answer multiple choice questions, that only had a 30-40% passage rate. This format of the patent bar was used for many years to determine whether a scientist, engineer or attorney was sufficiently knowledgeable about patent law to be able to prosecute patent applications before the U.S. Patent and Trademark Office. In addition, many educators

believe that open book testing better prepares students for real life. See Appendix X, p. 29-30, "Preparing for Open Book Exams." The Examiner's alleged well-known notion is not supported by anything contained in the Bohlen disclosure. Furthermore, even if Bohlen did teach a closed-book test, Appellant does not concede that traditional subject matter testing takes place in a closed-book environment.

Appellant disagrees with the Examiner's assumption that Bohlen teaches subject matter testing because Bohlen merely studies the effect of specific software training on end-user performance, efficiency and satisfaction. Furthermore, the Examiner's hindsight-based conclusion that Bohlen's 35 question multiple-choice test leads to the well known proposition that traditional subject matter testing takes place in a closed-book environment is improper. In fact, based upon the information provided in Appendix X at p. 29 which states that open book exams actually provide a more realistic environment, Bohlen's 35 question multiple-choice software training test may actually have taken place in an open-book environment.

2. The Examiner has provided improper motivation to combine Gupta and Bohlen

After the Examiner's circuitous interpretation of Bohlen, above, the Examiner concludes that:

it would have been obvious, to one of ordinary skill in the art, at the time the invention was made, to combine prohibiting access to learning course material, as taught by Bolen (*sic*), with the annotations control of learning course documents of Gupta, in order to effectively test learning course students as to the degree of effectiveness of the learning course. Final Office Action, para 20.

Appellant respectfully disagrees. Neither Gupta nor Bohlen teach, suggest or motivate one of ordinary skill in the art to combine their teachings. The mere fact that references

can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990).

Gupta provides a method to annotate content that may vary amongst different users due to differences in the users' computers. In other words, Gupta allows a user a user having a computer with an Intel Xeon® chip connected to the internet via high speed cable to annotate a streaming document and a user having an old 486 computer connected to the internet via a phone line to view the streaming document and annotation (if the latter user can actually get the document to stream). Gupta hypothesizes that this annotation practice may be used in an education setting to facilitate "classroom discussion" (Gupta, para 0006). Gupta is not concerned with testing or prohibiting access to learning course material, as allegedly taught by Bohlen. The whole point of Gupta's invention is to allow users having different computer operating parameters to access and annotate "learning course material." If the user cannot access the learning course material, the user will have no need to access the annotation.

The Examiner has failed to make a *prima facie* case of obviousness of claims 73, 77 and 81 because he failed to provide proper motivation to combine Gupta and Bohlen. Therefore, the present rejection of claims 73, 77 and 81 should be withdrawn.

3. The combination of Gupta and Bohlen do not teach or suggest all of the claim limitations of claims 73, 77 and 81

The Examiner has overlooked the limitation of the independent claims, from which dependent claims 73, 77 and 81 depend, that permits the user to maintain subsequent access to his/her notes. Assuming *arguendo* the Examiner's motivation to combine is proper and that testing occurs in a "closed book environment," a user would

also be prohibited from accessing his/her notes during the closed-book test. However, independent claims 70, 74 and 78, from which dependent claims 73, 77 and 81 depend, require subsequent user access to the entered notes. One or more claims may be presented in dependent form, referring back to and *further limiting* another claim or claims in the same application. 37 C.F.R. § 1.75(c) (emphasis added). Accordingly, the Examiner's combination fails to teach all of the limitations of the claims and must be withdrawn.

The Examiner did not provide a *prima facie* case of obviousness of claims 73, 77 and 81 because the Examiner erroneously interpreted Bohlen, improperly combined Gupta and Bohlen and did not teach each limitation of the relevant claims. Appellant respectfully requests the Board to reverse the Examiner's rejection and remand the above-captioned application for allowance.

- C. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 112, first paragraph, because the claim language in dispute is narrower than that contained in the original claim and is supported by the specification as originally filed.

In the Request for Continued Examination (hereinafter referred to as "RCE") filed July 15, 2005, Appellant added new claims 73, 77 and 81, which contained the language "prohibiting access to the at least one document after completion of the interactive learning course." Please note that the language "prohibiting access" is the language at issue. Support for the new claim was cited as original claim 16 and page 12, line 31 through page 13, line 3 of the specification (see page 8 of RCE). Original claim 16 reads "[t]he method defined in claim 14 wherein storing the notes of a plurality of users comprises storing the each user's notes at that user's location." Page 12, line 31 through page 13, line 3 reads "[i]n some embodiments, however, a user may be able to store a

version of the notes at his or her location. This enables the user to copy and access the notes when not using the original document or course.” Please note that the Examiner has erroneously ignored Appellant’s specification and fixated on “not using” as the supporting citation for “prohibiting access.”

In the Office Action subsequent to the RCE dated September 1, 2005, the Examiner did not object to the new claims and simply rejected them for anticipation by Gupta. In the response filed December 1, 2005, Appellant distinguished the RCE claims from Gupta, drawing attention to the narrower language contained in the new RCE claims. In the Office Action dated February 17, 2006, the Examiner added the written description and indefinite rejections of claims 73, 77 and 81. Appellant responded on May 17, 2006 by arguing that an *in haec verba* requirement for claim language does not exist (citing MPEP § 2163I(B), 2nd paragraph) and listing additional locations in the original specification that further supported Appellant’s new claim language.² In the Final Office Action dated August 10, 2006, the Examiner maintained the written description rejection under 35 U.S.C. § 112, first paragraph. A Notice of Appeal and Pre-

² “Applying the foregoing law to the instant case, it is clear from the context of Applicants’ specification (see specification, page 1, lines 8-11, page 2, lines 26 through page 5, line 6; page 5, line 23 through page 6, line 3) that ‘prohibiting access...after completion of the online learning course’ as recited in Applicants’ claims simply refers to the point in the educational cycle in which the student no longer has access to and is not using the course materials, whether that be during test taking or further along in time when notes may be reviewed to refresh a previously learned, but forgotten point, such as trigonometry. The entire focus of Applicants’ invention, as set forth in the specification, is on the ability to take notes during online courses. Online courses, like traditional courses, are not accessible forever. This well-known fact is alluded to in the specification at page 3, lines 6-9: ‘For example, a general course of instruction may be presented to an individual *after which* the computer may query the individual regarding the principles just learned’ (emphasis added). See also, page 3, lines 31-34: ‘Computer programs designed to aid in the learning process typically first present a section of the information and then test the individual based on the information presented.’”

Appeal Brief were filed on November 13, 2006. The Panel Decision of the examiner of record and his supervisor dated December 15, 2006 directed Appellant to proceed to the Board of Patent Appeals and Interferences because at least one actual issue remained.

35 U.S.C. § 112, first paragraph, contains three separate patent-ability requirements: written description, enablement and best mode. The written description requirement ensures that the inventor was in possession of the invention on the filing date of the application. MPEP § 2161.01I. Due to the factual nature of the written description requirement, Section 2163II of the MPEP provides the Examiner guidelines to help determine if an application complies therewith. Step 1 requires the Examiner to read each claim to determine what it covers as a whole. MPEP § 2163II(A)(1). Step 2 requires the Examiner to review the entire application to understand how the application provides support for the claim, including each limitation or step. MPEP § 2163II(A)(2). Finally, the Examiner must present evidence or reasoning to explain why persons skilled in the art would not recognize in the original disclosure a description of the invention defined by the claims. MPEP § 2163II(A)(3)(b).

The Examiner's evidence or reasoning is that "[j]ust because a person is *not using* something does not mean that the person is *prohibited* from using it." Final Office Action, para. 23. As stated in the Pre-Appeal Brief Request for Review, Appellant agrees with the Examiner's statement, but disagrees with the Examiner's conclusion. As stated in the Response dated May 17, 2006 to the Office Action dated February 17, 2006, "[p]rohibiting access' is encompassed by the specification's broader phrase 'not using.' The phrase 'not using' addresses both intermittent periods of non-use based on user

discretion as well as continual periods of non-use based on the course provider's discretion."

While there is no *in haec verba* requirement, newly added claim limitations must be supported in the specification through express, implicit, or inherent disclosure. MPEP § 2163I(B). To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill. MPEP § 2112IV citing *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950-51 (Fed. Cir. 1999).

Appellant contends that the extrinsic evidence submitted on May 17, 2006 (duplicated on page 13, footnote 2) clearly supports the claim language at issue. One of ordinary skill in the art would recognize that access to a course is prohibited after the course is completed, whether the course is online or not. "If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met." See MPEP § 2163II(A)(3)(a) citing *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563, 19 USPQ2d 1111, 1116 (Fed. Cir. 1991).

Therefore, the present rejection is improper because adequate support for the claim language exists in the original application. Appellant respectfully requests the Board to reverse the Examiner's maintenance of this rejection.

- D. Claims 73, 77 and 81 were errantly rejected by the Examiner under 35 U.S.C. § 112, second paragraph because the Examiner conceded that the normal definitions accorded to the terms at issue are acceptable for the plain meaning of the terms.

35 U.S.C. § 112, second paragraph, states that "[t]he specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject

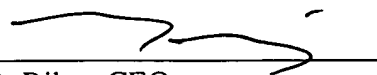
matter which the applicant regards as his invention.” This sentence has been interpreted as producing two requirements for patentability. The first is that the claims must set forth the subject matter that the inventor regards as his invention. MPEP § 2171. The second is that the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant. *Id.*

In the Final Office Action, the Examiner stated that the definitions for the terms at issue provided by Appellant were acceptable, but “the specification fails to particularly point out how the prohibiting is achieved.” The Examiner’s statement does not address either of the requirements of 35 U.S.C. § 112, second paragraph. Therefore, this rejection must be withdrawn based on the Examiner’s failure to make a *prima facie* rejection under 35 U.S.C. § 112, second paragraph.

VIII. Conclusion

For the foregoing reasons, Appellant submits that the Examiner failed to properly reject the instant application. Therefore, Appellant respectfully requests the Board to reverse the Examiner’s rejection of claims 70, 71, 73-75, 77-79 and 81 and hold claims 70, 71, 73-75, 77-79 and 81 allowable.

Respectfully submitted,


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1/16/2007

IX. Claims Appendix

The claims involved in this appeal are as follows:

Claim 70: A method for facilitating electronic note-taking during an interactive learning course, the method comprising:

- Providing initial access to at least one document of the interactive learning course;
- Displaying an annotation field associated with the at least one document;
- Receiving entry of notes from the user in the annotation field;
- Storing the entered notes in memory such that the entered notes are associated with the at least one document;
- Providing access to the at least one document and the entered notes for a duration of the interactive learning course; and
- Limiting subsequent access to the entered notes to the user only.

Claim 71: The method of claim 70, wherein the entered notes include at least a portion of content contained in the at least one document.

Claim 73: The method of claim 70, further comprising prohibiting access to the at least one document after completion of the interactive learning course.

Claim 74: A computer readable storage medium that has stored therein a computer program that, when executed by a processing device, performs the following function:

- Provides initial access to at least one document of an interactive learning course;
- Displays an annotation field associated with the at least one document;
- Receives entry of notes by a user in the annotation field;
- Stores the entered notes in memory such that the entered notes are associated with the at least one document;
- Provides access to the at least one document and the entered notes for a duration of the interactive learning course; and
- Limits subsequent access to the entered notes to the user only.

Claim 75: The computer readable storage medium of claim 74, wherein the entered notes includes at least a portion of content contained in the at least one document.

Claim 77: The computer readable storage medium of claim 74, wherein the computer program performs the addition function:

Prohibiting access to the at least one document after completion of the interactive learning course.

Claim 78: An electronically accessible server for hosting an interactive learning system, the server comprising:

A processing device;

A memory; and

A computer readable storage medium that has stored therein a computer program that, when executed by the processing device, performs the following functions:

Provides initial access to at least one document of an interactive learning course;

Displays an annotation field associated with the at least one document;

Receives entry of notes by a user in the annotation field;

Stores the entered notes in the memory such that the entered notes are associated with the at least one document;

Provides access to the at least one document and the entered notes for a duration of the interactive learning course; and

Limits subsequent access to the entered notes to the user only.

Claim 79: The electronically accessible server of claim 78, wherein the entered notes received in the computer program stored on the computer readable storage medium includes at least a portion of the content contained in the at least one document.

Claim 81: The electronically accessible server of claim 78, wherein the computer program additionally performs the following functions:

Prohibiting access to the at least one document after completion of the interactive learning course.

X. Evidence Appendix

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About the SAT Subject Tests

Subject Tests (formerly SAT II: Subject Tests) are designed to measure your knowledge and skills in particular subject areas, as well as your ability to apply that knowledge.

Students take the Subject Tests to demonstrate to colleges their mastery of specific subjects like English, history, mathematics, science, and language. The tests are independent of any particular textbook or method of instruction. The tests' content evolves to reflect current trends in high school curricula, but the types of questions change little from year to year.

Many colleges use the Subject Tests for admission, for course placement, and to advise students about course selection. Used in combination with other background information (your high school record, scores from other tests like the SAT Reasoning Test, teacher recommendations, etc.), they provide a dependable measure of your academic achievement and are a good predictor of future performance.

Some colleges specify the Subject Tests they require for admission or placement; others allow applicants to choose which tests to take.

Subject Tests fall into five general subject areas:

English
[Literature](#)**History and Social Studies**

[U.S. History](#) (formerly American History and Social Studies)
[World History](#)

Mathematics

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[Mathematics Level 2](#) (formerly Mathematics IIC)

Science

[Biology E/M](#)
[Chemistry](#)
[Physics](#)

Languages

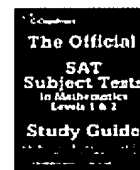
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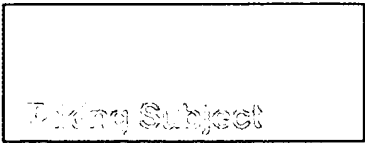
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All Subject Tests are one-hour, multiple-choice tests.

However, some of these tests have unique formats:

- The **Subject Test in Biology E/M** contains a common core of 60 general-knowledge multiple-choice questions, followed by 20 multiple-choice questions that emphasize either ecological (Biology E) or molecular (Biology M) subject matter. After completing the core questions, test takers choose the section for which they feel most prepared.
- The **Subject Tests in Mathematics (Level 1 and Level 2)** have some questions that require the use of at least a scientific or graphing calculator. Mathematics Subject Tests are developed with the expectation that most students will use a graphing calculator. There are no plans to discontinue or change the content of the Subject Tests in Mathematics Level 1 or Mathematics Level 2.
- The **Subject Tests in Languages with Listening** (Chinese, French, German, Japanese, Korean, and Spanish) consist of a listening section and a reading section. Students taking these tests are required to bring an acceptable CD player with earphones to the test center.

For more detailed information, including recommended preparation, anticipated skills, test format, sample questions, and more, visit the [Subject Tests Preparation Center](#).

Which Subject Tests should you take?

Before deciding which tests to take, make a list of the colleges you're considering. Then review school catalogs, [College Search Engines](#), or [College Handbooks](#) to find out whether the schools require scores for admission and, if so, how many tests and in which subjects.

Use your list of colleges and their admission requirements to help plan your high school course schedule. You may want to adjust your schedule in light of colleges' requirements. For example, a college may require a score from a Subject Test in a language for admission, or the college might exempt you from a freshman course requirement if you do well on a language Subject Test.

Many colleges that don't require Subject Test scores will still review them since they can give a fuller picture of your academic background.

If you're not sure which Subject Test to take from a subject area, talk to your teacher or school counselor and visit the [Subject Tests Preparation Center](#).

When should you take Subject Tests?

Most students take Subject Tests toward the end of their junior year or at the beginning of their senior year.

Take tests such as World History, Biology E/M, Chemistry, or Physics as soon as possible after completing the course in the subject, while the material is still fresh in your mind. For foreign language tests, you'll do better after at least two years of study.



- › MTEL Home
- › How to Register
- › Subject Matter Test Requirements
- › Test Preparation Resources
- › Summary of Test Results
- › Technical Advisory Committee
- › FAQ
- › National Evaluation Systems, Inc.

Educator Services › Becoming an Educator ›

Massachusetts Tests for Educator Licensure (MTEL)

Questions and Answers - About the MTEL

What is the Massachusetts Tests for Educator Licensure™ (MTEL) Program?

The Massachusetts Tests for Educator Licensure (MTEL) are part of our statewide education reform initiative. The Massachusetts Education Reform Act of 1993 is a comprehensive plan for strengthening public education. Among the major elements are statewide standards for students, educators, schools, and school districts; measures for determining when standards have been met; and support for meeting those standards. The Education Reform Act emphasizes raising expectations for all educators, both for those new to teaching and for veterans.

The law requires candidates for initial educator licensure in Massachusetts to meet several requirements, including passing a test of Communication and Literacy Skills and a test of the subject matter knowledge. Starting February 21, 1998, all candidates for their first teaching licenses were required to take tests of their communication and literacy skills and knowledge of their subject content. In addition, starting September 1, 1998, all candidates for initial educator licensure, including administrators and school support service personnel, were also required to meet the qualifying score on the Communication and Literacy Skills test. The Act mandated the two-part testing program as one component of the state's Educator Licensure Requirements. Teachers who hold a preliminary license, or who seek to be licensed in a new field, also need to pass the appropriate subject matter knowledge test(s).

Massachusetts law defines the requirements of the educator tests as follows:

To be eligible for licensure as a Preliminary or initial educator . . . the candidate shall pass a test established by the board which shall consist of two parts: (A) a reading and writing section which shall demonstrate the communication and literacy skills necessary for effective instruction and improved communication between school and parents; and (B) the subject matter knowledge for the license. [M.G.L. c. 71 s. 38G]

The purpose of the MTEL is to help identify candidates for licensure who have demonstrated the knowledge required for entry-level educators in Massachusetts public schools. Other qualities, such as motivating and engaging students, are measured locally during employment interviews and evaluations.

How was the MTEL developed and validated?

The Department of Education, at the direction of the State Board of Education, directed the development of an educator-licensure testing program for Massachusetts. The MTEL program was created through a collaborative process involving the state (represented by the Massachusetts Commissioner of Education, Board of Education, and Department of Education); its contractor, National Evaluation Systems, Inc. (NES); Massachusetts public-school educators; and faculty from institutions of higher education. The program is aligned with the state's licensure regulations and Curriculum Frameworks, as adopted by the State Board of Education.

The MTEL are criterion-referenced and objectives-based. A criterion-referenced test is designed to measure a candidate's knowledge and skills in relation to an established standard rather than in relation to the performance of other candidates.

The test development steps were designed to address professionally established requirements for ensuring the validity of licensure tests. It was important to verify that:

- The MTEL program provides important information directly relevant to licensure decisions based on the knowledge and skill requirements mandated by the state.
- The tests are valid: the information they yield is an accurate measure of content knowledge and skills.
- The tests are reliable: the information they yield is consistent across test administrations.

An extensive network of Massachusetts educators are involved in the development and validation process of the MTEL. They are involved in all three groups that develop and validate the tests: Content Advisory Committees, Bias Review Committees, and Qualifying Score Committees. They are also involved in the Content Validation Survey. The educators recruited include:

- Massachusetts classroom teachers and administrators,
- Arts and sciences faculty,
- Educator preparation faculty, and
- Massachusetts Department of Education content and curriculum personnel.

Content Advisory Committees:

These committees are involved in the review, revision, and validation of test objectives as well as test items. Each committee member reviews items for his or her field to ensure that the subject-matter knowledge is appropriate.

Bias Review Committees:

These committees review of both the test objectives and the test items to ensure that they free from bias. Prevention of bias in the MTEL is important as a matter of fairness and as an aspect of test validity. Guarding against bias in the MTEL materials is focused on excluding language, content, or perspectives that might disadvantage candidates based on background characteristics irrelevant to the purpose of the test and on including content and perspectives that reflect the diversity of the Massachusetts population.

Qualifying Score Committees:

After the first test administration of a newly developed or re-developed test, the Qualifying Score Committee for each field examines every item on the exam and recommends a passing score to the Commissioner for approval.

Content Validation Survey:

Participants of these surveys review the Test Objectives for his or her field to ensure that the subject-matter knowledge described by the Objectives is important for entry-level teaching in Massachusetts public schools. The purpose of these surveys is to obtain judgements from educators about: the importance of each objective for entry-level teaching; how well the descriptive statement represents important aspects of each objective; and how well the set of objectives, as a whole, represents the subject matter required for entry-level teaching.

The following is a step-by-step process of the development and validation of the MTEL, including the Committees that are involved with each step.

1. Development of Test Objectives, reflecting subject matter knowledge determined to be

important for educators entering teaching in Massachusetts public schools, based on Massachusetts documents and resources, including the Regulations for Educator Licensure and the Curriculum Frameworks.

- a. National Evaluation Systems, Inc.
2. Review and Revision of Test Objectives.
 - a. Massachusetts Department of Education
 - b. Bias Review Committees
 - c. Content Advisory Committees
 - d. National Evaluation Systems, Inc.
3. Content Validation Survey of Test Objectives.
 - a. Public School Educators
 - b. Educator preparation faculty
4. Development of Test Items by content experts, based on Test Objectives.
 - a. National Evaluation Systems, Inc.
5. Review, Revision, and Validation of Test Items to ensure that items are accurate, free from bias, appropriately job-related, and match with the Test Objectives.
 - a. Massachusetts Department of Education
 - b. Bias Review Committee
 - c. Content Advisory Committees
 - d. National Evaluation Systems, Inc.
6. Pilot Testing. NES will pilot test items at Massachusetts institutions of higher education offering approved preparation programs in these fields.
7. After the first test administration, a Qualifying Score is established.
 - a. Qualifying Score Committee
 - b. Massachusetts Department of Education

Who is required to take the tests?

Candidates seeking educator licensure in Massachusetts in either the Preliminary or the Initial level are tested through the MTEL program (an "Initial" educator license is equivalent to a "Preliminary with Advanced Standing" educator license as defined in G. L. c. 71, § 38G). They must pass both the tests of Communication and Literacy Skills and the Subject Test, where available, for the license they are seeking. This requirement holds for all candidates for licensure, including classroom teachers, district and school administrators, and district and school professional support personnel, who apply on or after September 1, 1998.

What is the content of the tests, and how was that content determined?

Each test has test objectives for the corresponding field which describe the content eligible to be included in that test. These objectives were derived from the Regulations for the licensure of Educational Personnel in Massachusetts and the Massachusetts Curriculum Frameworks, where appropriate. A broadly inclusive group of Massachusetts public-school educators and college faculty at institutions of higher education were involved in the development and validation of the tests. The MTEL program is particularly matched to the context within which it is used and the purposes that it serves.

What are the tests like?

The Massachusetts Department of Education specified many features of the design of the MTEL. The MTEL are designed to measure candidates' ability to communicate effectively, that is, to read and write with comprehension and clarity, as well as candidates' breadth and depth of knowledge in specific subject fields.

The Communication and Literacy Skills Test

This test is designed to assess one key aspect of the responsibilities of educators in Massachusetts public schools. Educators must directly teach - and indirectly model - effective communication and literacy skills, including the use of the conventions of edited American English. The test consists of two Subtests: Reading and Writing. Candidates taking the test are asked to demonstrate the communication and literacy skills necessary for an educator in Massachusetts public schools and for communication between school, parents/guardians, and others in the school community.

Areas tested include the comprehension and analysis of reading selections; development of ideas in essay form on specific topics; outlining and summarizing; interpretation of tables and graphs; and mastery of vocabulary, grammar, spelling, and mechanics.

Reading Subtest

The Reading Subtest measures reading competency by asking candidates to read passages of text and answer questions, as well as define vocabulary words. It includes approximately 30 multiple-choice items requiring candidates to read, understand, and analyze passages, and six open-response (short-answer) items that address word meaning (vocabulary). The multiple-choice and the open-response sections count equally toward a candidate's total Reading subtest score.

Writing Subtest

The Writing Subtest comprises four sections:

- a. Written Summary (one open-response question): presents a passage for the candidate to summarize in his or her own words,
- b. Written Composition (one open-response question): prepare a composition on an assigned topic,
- c. Grammar and Usage (multiple-choice and short answer questions), and
- d. Written Mechanics (multiple-choice questions).

These sections include multiple-choice items and several formats of open-response items. Each section counts equally (25%) toward a candidate's total Writing Subtest score.

Subject Tests

The Subject Tests are designed to assess the breadth and depth of the candidate's knowledge in the subject area, the candidate's understanding of fundamental concepts of the discipline, and the candidate's familiarity with field-specific methodologies. The content of these tests was determined by Massachusetts public school teachers and Massachusetts college faculty in the appropriate content fields.

Most subject tests include multiple-choice test questions and two open-response questions (e.g., solving problems, providing proofs, writing essays of approximately 300 to 600 words). The number of multiple-choice and open-response test items varies across the tests. Most Subject Tests contain about 80 multiple-choice questions and two open-response items. However, any newly revised tests include 100 multiple-choice items. Please note: A candidate's performance on subareas with multiple-choice questions is based on the number of test questions answered correctly. Candidates do not "lose" any points for wrong answers. All multiple-choice questions are weighted equally in computing the total score. The open-response section counts for either 25% or 20% of the candidate's total test score, depending on the test (consult individual Test Information Booklets).

In tests of foreign languages, the open-response items typically assess speaking, writing, listening, and reading with fluency, and/or cultural understanding. Candidates write their

responses to the open-response items or record them onto audiotape. For Spanish, French, German, and Italian, the open-response questions consist of one speaking and one writing assignment and, together, count for 33% of the candidate's total test score. For Russian, Chinese, and Portuguese, there are multiple open-response questions, and the open-response section counts for 67% of the candidate's total test score.

For tests requiring calculators, (Math (09), Chemistry (12), and Physics (11)) scientific calculators are provided. Personal calculators are not permitted. Note that calculators are not provided or permitted for the Middle School Math (47) test.

For tests requiring formulas (e.g., Math, Middle School Math, Chemistry, Physics), the formulas will be provided during the test and do not need to be memorized.

How much do the tests cost?

The Communications and Literacy Skills test, and the Vocational Technical Literacy Skills Test cost \$60 each. Each subject matter test costs \$90. In addition, there is a \$30 registration for each test date. (For example, if you take a subject matter test and the Communications and Literacy Skills test on the same day, you pay a \$30 registration fee. If you take these tests on separate days, you pay \$30 for each day you take a test.)

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Preparing for Open Book Exams

*Strategies for Successful
Testing in Blackboard*

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Structure

This tutorial is divided into five sections. Click on the links above to review each section.


[Tutorial Home](#)

Overview



Harder than the average test?

In open book testing situations, you are able to have notes, books, and other appropriate reference materials with you as you take the exam. Open book exams can relieve some of the stress involved in taking tests, one very positive characteristic of this type of test.

Occasionally, this type of test makes students feel too relaxed – to the point that they feel no preparation is needed for the test. Nothing could be further from reality. Open book exams may actually be harder than traditional exams in some cases. You should prepare for an open book exam as you would for any exam, with a few exceptions. This tutorial will clarify those differences.



Preparation is the Key

Preparation is very important. If you do not know the material, you will not know what to look for when you need to find information in the available resources. You will not have the necessary knowledge base to answer the exam questions. If you do not study, you will not know where to locate relevant information when you need it.

People who have difficulty with open book exams frantically scramble through textbooks and notes as they attempt to locate answers during a test. As a result, these students spend a great deal of time looking at information that is irrelevant, and they are often unable to complete the test within the time limit. Students who are successful in open book exam environments refer to notes and the text primarily to verify answers...not to look up answers related to topics you have not previously studied. Information that does not need to be committed to memory should be clearly marked ahead of the exam for easy access.

The type(s) and structure of questions that will appear on the open book exam are illustrated in the Practice Exam in Blackboard. This information provides valuable clues as to how best to prepare for the test.



The "Real World" of Testing

Open book exams actually provide a more realistic environment than closed book tests. In the "real world," individuals use multiple pieces of reference materials when they need to answer a question, prepare a report, or solve problems. Open book exams eliminate the need for total rote memorization of many pieces of information. These tests measure your ability to organize and use or apply information rather than simply memorizing it. Questions on open book exams frequently require more higher-order thinking skills than typical tests.

Some questions on this exam will ask for basic information; other questions will ask you to apply what you know to a specific situation. Application questions require a thorough knowledge of the concept(s) under consideration. As part of the companion Web site for the EDST 750 text, each chapter presents "Critical Thinking Questions." A review of these questions will help you prepare for questions that may require

Assessment

When you complete the tutorial, go to [Blackboard](#) and take a short test over the information contained in the tutorial.

application of information from the text. For EDST 710, review the Guiding Questions and the charts you prepared for each model of instruction.

The University of Tennessee at Martin

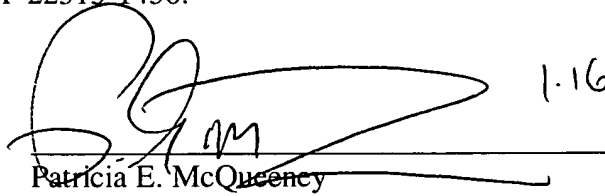
Related Proceedings Appendix

None

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Date of Deposit: January 16, 2007

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Patricia E. McQuency